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U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

FILE: LOS 214F 1568

Office: LOS ANGELES, CALIFORNIA

Date: JUN 08 2004

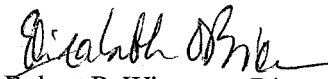
IN RE: Petitioner: [REDACTED]

PETITION: Petition for Approval of School for Attendance by Nonimmigrant Students under Section 101(a)(15)(M)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(M)(i)

ON BEHALF OF PETITIONER:

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.


Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The Petition for Approval of School for Attendance by Nonimmigrant Student (Form I-17) was denied by the District Director, Los Angeles, California. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained and the petition will be approved.

The Form I-17 reflects that the petitioner in this matter, International Christian University Reformed Seminary is a private school established in 1978. The Form I-17 petition at issue in this proceeding is the Student and Exchange Visitor Information System (SEVIS) petition filed in accordance with 8 C.F.R. § 214.3(a)(1)(i). The school offers bachelor, master, and doctoral degrees and seeks approval for attendance by F-1 nonimmigrant students. The school declares an enrollment of approximately 135 students per year with 28 teachers.

After an on-site inspection by a Citizenship and Immigration Services (CIS) contractor, the district director denied the petition, finding that the petitioner failed to submit evidence of accreditation and that the petitioner failed to submit letters from three accredited institutions indicating that those institutions unconditionally accept "credits and students" from the petitioning school as required by 8 C.F.R. § 214.3(c). The district director further determined that the petitioner failed to provide evidence that the petitioner is an established institution of learning or other recognized place of study as required by 8 C.F.R. § 214.3(e).

On appeal, the petitioner submits a brief accompanied by additional documentation.

Although not discussed by the district director in his decision, the first determination that must be made is whether the petitioner satisfied 8 C.F.R. § 214.3(b) which requires any school, other than a public school or a private elementary or secondary school, to submit "certification by the appropriate licensing, approving or accrediting official." We note that the record contains evidence that the California Bureau for Private Postsecondary and Vocational Education (BPPVE) has granted the petitioner approval as a private postsecondary degree-granting institution to offer degrees including: Bachelor of Arts in Christian Studies, Masters of Arts in Christian Education, Master of Divinity and Doctor of Ministry.¹ We find such evidence is sufficient to establish that the petitioner has been licensed or approved by the appropriate official.

The next issue is whether the petitioner has satisfied the requirements of 8 C.F.R. § 214.3(c) which states, in pertinent part:

If the petitioner is an institution of higher education and is not within the category described in paragraph (b)(1) or (2) of this section, [public schools or schools accredited by a nationally recognized accrediting body], it must submit evidence that it confers upon its graduates recognized bachelor, master, doctor, professional, or divinity degrees, or if it does not confer such degrees, that its credits have been and are accepted unconditionally by at least three such institutions of higher learning.

¹ The BPPVE also approved the petitioner to offer certificates for "Child Care Director" and "Child Care Teacher." However, as the petitioner's SEVIS Form I-17 does not include reference to either of these certificate programs, this decision will only address the petitioner's eligibility to enroll F-1 nonimmigrant students in the programs listed on the Form I-17.

(Emphasis added).

As noted previously, the petitioner's programs have been evaluated by the BPPVE and approved as degree granting programs. The district director's decision contains no reference to the approval by the BPPVE. In this case we find that approval by the BPPVE is sufficient evidence to establish that the petitioner's degrees are recognized. Accordingly, the district director's determination that the petitioner failed to submit evidence sufficient to establish eligibility under 8 C.F.R. § 214.3(c) was erroneous.

The remaining issue is whether the petitioner meets the eligibility requirements of 8 C.F.R. § 214.3(e). The decision by the district director fails to adequately address the reason for her determination that the petitioner's evidence was insufficient. The petitioner has been in business for 25 years and has operated with the approval of the BPPVE since August 2000. The record contains the petitioner's course catalogue and class schedules, as well as evidence that the petitioner pays taxes and has adequate finances to continue operating. We can find no reason that supports the district director's determination that petitioner is not an established and bona fide institution of learning or that the petitioner is not engaged in instruction, possesses the necessary facilities, personnel, or finances.

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. 1361. That burden has been sustained in this case. Accordingly, the decision of the director denying the petition will be withdrawn and the petition will be approved.

ORDER: The appeal is sustained and the petition is approved.